



USDA Foreign Agricultural Service

GAIN Report

Global Agriculture Information Network

Template Version 2.09

Required Report - public distribution

Date: 8/2/2006

GAIN Report Number: NL6025

Netherlands

Food and Agricultural Import Regulations and Standards

Annual

2006

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Report Highlights:

This report gives an overview of food laws in force in the Netherlands. For EU harmonized regulations the report refers to the website of the U.S. Mission to the EU, <http://www.useu.be/agri> and GAIN Report E36098. The following sections are updated: allergen labeling, health and nutrition claims, flavorings, pesticides, permitted level and control of contaminants (dioxin and mycotoxins), labeling and certification of wine, and protected Geographical Indications.

Includes PSD Changes: No
Includes Trade Matrix: No
Annual Report
The Hague [NL1]
[NL]

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DISCLAIMER: This report has been prepared by the USDA/Foreign Agricultural Service for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their Dutch customer (importer), who is normally best equipped to research such matters with local authorities, before any goods are shipped. Final import approval of any product is subject to the importing country's rules and regulations as interpreted by border officials at the time of product entry.

Section I. Food Laws

Harmonization within the EU

<http://www.useu.be/agri/harmonization.html>

The Netherlands, as a member of the EU, conforms to all EU regulations and directives. We therefore recommend that this report is read in conjunction with the Food and Agricultural Import Regulations and Standards (FAIRS) report produced by the US Mission to the EU in Brussels, Belgium – [Gain Report Number E36098](#)

Regulation 2002/178/EC, called "The General Food Law", is the harmonized regulation which sets out the general principles and requirements of EU harmonized food law. Exporters should be aware that there may also be some variation among Member States in applying EU harmonized legislation: there may be temporary waivers or exemptions and in certain cases there may be room for interpretation of EU harmonized legislation or aspects which are not regulated in detail at EU level may be handled differently in different member states.

The Netherlands

The Dutch Food and Drugs Law is called Warenwet. This Warenwet provides the Dutch regulatory framework for all food and non-food products. It is applicable to domestically produced and imported products. Revisions of the Dutch Food and Drugs Law are published in the "Staatscourant". The Food and Drugs Law and revisions can be found on <http://wetten.overheid.nl>. At this website all other Dutch legislation can be found as well. (NOTE: website is in Dutch)

Through the Inspectorate for Health Protection and Veterinary Public Health (Keuringsdienst van Waren) and the National Inspection Service for Livestock and Meat (Rijksdienst voor de keuring van Vee en Vlees), the Dutch Food and Consumer Product Safety Authority (Voedsel en Waren Autoriteit) has the authority to inspect animals and foodstuffs. The Dutch Food and Consumer Product Safety Authority (VWA) is part of the Ministry of Agriculture, Nature and Food Quality (www.minInv.nl).

The Dutch Food and Consumer Product Safety Authority (VWA)
P.O. Box 19506
2500 CM The Hague, The Netherlands
Phone: +31- (0)70-4484848
Fax: +31- (0)70-4484747
www.vwa.nl
info@vwa.nl

Responsibilities of the Dutch Inspectorate for Health Protection and Veterinary Public Health (KvW) are: enforcement of the General Food Law through the Warenwet. Responsibilities of the National Inspection Service for Livestock and Meat (RVV) are: inspection of livestock for slaughter, slaughtering, meat and all imports of animal origin.

Section II. Labeling Requirements

A. General Requirements

1. Scope of Labeling Law

www.useu.be/agri/label.html

General rules on the labeling, presentation and advertising of foodstuffs marketed in the EU are laid down in the Directive 2000/13/EC. This directive consolidates the general labeling directive 1979/112/EC and all its amendments in a single text. An overview of the EU labeling requirements is given on: <http://europa.eu.int/scadplus/leg/en/lvb/l21090.htm>

In the Netherlands, the labeling requirements have been laid down in the Warenwetbesluit Etikettering van Levensmiddelen. Again, this decree can be found at <http://wetten.overheid.nl> and is in Dutch. If U.S. exporters need assistance with translation of this legislation please contact the Office of Agricultural Affairs in The Hague.

1.1 Generic Definitions

The Dutch labeling requirements apply to food products at the time when they are for sale for consumers. In practice, this includes food retail and parts of the food service industry (institutional catering). The labeling requirements for food products sold to the food processing industry and remaining parts of the food service industry (no direct contact with the consumer) are highlighted in Section II, 6.

1.2 The Description

<http://www.useu.be/agri/label.html>.

The description of the food product is the name under which it is sold. It has to ensure that the buyer understands the nature of the product and its composition
Warenwetbesluit Etikettering van Levensmiddelen, art. 4

1.3 Listings

Ingredients

<http://www.useu.be/agri/label.html>

The list of ingredients is given, in descending order of weight. Important derogations include compound ingredients, added water/concentrated foods, cheese (see art. 6 of 2000/13/EC). The following ingredients require a specific statement on the label: [Genetically Modified Organisms \(GMOs\)](#), packaging gases ([Directive 1994/54/EC](#)) / sweeteners / aspartame & polyols ([Directive 1996/21/EC](#)) / quinine & caffeine ([Directive 2002/67/EC](#)).

Warenwetbesluit Etikettering van Levensmiddelen, art. 6

Additives

Additives must be listed by their customary names or by their E-number (EC registration number) (Royal Decree of 09/13/1999 Annex II), which has to be preceded by the name of the additive category (See Section IV, Additives, below).

Warenwetbesluit Etikettering van Levensmiddelen

Net Quantity

<http://www.useu.be/agri/label.html>

The net quantity of prepackaged foodstuffs is expressed in [metric units](#) (liter, centiliter, milliliter, kilogram or gram). A small ["e" on the label](#) may be used to guarantee that the actual content corresponds to the quantity indicated.

Warenwetbesluit Etikettering van levensmiddelen, art. 11

Other Listings

<http://www.useu.be/agri/label.html>

- *Allergen Labelling:*

New food allergen labeling rules were introduced by Directive 2003/89/EC and entered into force on November 25, 2005. Under this directive, the following 12 groups of potential allergenic ingredients must be indicated on food labels: cereals containing gluten, crustaceans, eggs, fish, peanuts, soybeans, milk and dairy products (including lactose), nuts and nut products, sesame seeds, sulphite, celery, and mustard. Allergen labeling also applies to alcoholic beverages. [GAIN Report E36066](#) lists the different languages that the EU member states will accept for the purpose of allergen labeling of wine. Guidelines for the implementation of the new allergen labeling rules are available on the Commission's website at:

http://europa.eu.int/comm/food/food/labellingnutrition/foodlabelling/guidelines_6_10.pdf.

For more information on the implementation of the allergen labeling rules see [GAIN Report E35196](#).

- *Irradiated products:*

Harmonization of EU rules on food irradiation is still at an initial stage and US exporters of irradiated foodstuffs should check individual EU member State legislation for compliance. In the Netherlands, if the product or the product ingredient has been irradiated, this must be stated by mentioning the word(s) "doorstraald", "door straling behandeld" or "met ioniserende straling behandeld".

Warenwetbesluit Etikettering van Levensmiddelen, art. 4

- *Quantitative Ingredients Declaration (QUID):*

www.useu.be/agri/label.html#QUID

Quantitative ingredients declaration is laid down in article 10 of the Warenwetbesluit Etikettering van Levensmiddelen.

- *Instruction for storage and/or use:*

<http://www.useu.be/agri/label.html>

Any special storage conditions or conditions of use must be supplied if there is a risk for incorrect storage or use.

Warenwetbesluit Etikettering van Levensmiddelen, art. 18

- *Name and Address of Producer, Packer or Vendor:*

<http://www.useu.be/agri/label.html>

The (business) name and address of the manufacturer, packager or vendor established within the Community must be presented.

Warenwetbesluit Etikettering van Levensmiddelen, art. 19

- *Percentage of Alcohol:*

<http://www.useu.be/agri/label.html>

For beverages containing more than 1.2% alcohol by volume, the percentage of alcohol has to be mentioned, "alcohol"/"alc." "% vol". It is advisable to mention the percentage of alcohol in other food products as well.

Warenwetbesluit Etikettering van Levensmiddelen, art. 21

- *Lot Marking:*

<http://www.useu.be/agri/label.html>

Council Directive 89/396/EEC requires that foodstuffs carry a mark identifying the lot to which a foodstuff belongs.

Warenwetbesluit Etikettering van Levensmiddelen, art. 22

- *Frozen:*

www.useu.be/agri/frozen.html

If the product is frozen and must be stored frozen in a freezer, the word "Diepvries" must be mentioned near the product name/designation. Additionally, it must mention for what period, at what temperature or in what installation the end user can store the frozen product. Finally it must mention that thawed products may not be frozen again: "na ontdooiing niet opnieuw invriezen."

Warenwetregeling Diepgevroren levensmiddelen, art. 6

- *Sweeteners:*

<http://www.useu.be/agri/label.html>

The use of sweeteners must be mentioned near the product description by the words "met zoetstoffen." If a combination of sugars and sweeteners has been added, the words "met suikers and zoetstoffen" must be mentioned near the product description.

Warenwetbesluit Zoetstoffen, art. 9

- *Packaged in a Protective Atmosphere:*

<http://www.useu.be/agri/label.html>

For foodstuffs whose durability has been extended by means of packaging gases (in conformity with EC council directive 1989/107/EC), the words "verpakt onder beschermende atmosfeer" must be included on the label.

Warenwetbesluit Etikettering van Levensmiddelen, art. 22a

- *Biotech Food and Feed:*

<http://www.useu.be/agri/GMOs.html>

Since April 18, 2004, genetically modified food and feed must be labeled according to 2003/1829/EC and 2003/1830/EC.

The breakdown in the EU's approval process for products made from modern biotechnology has blocked most U.S. exports of corn and hinders trade in other products. Food processors and exporters are either reformulating or seeking non-biotech sources. Problems exist for both approved products and products currently undergoing the approval process. For more information on Biotechnology, download the Netherlands – Biotechnology Report, GAIN Report NL6024.

Beef labeling

<http://www.useu.be/agri/label.html>

- *Egg labeling*

<http://www.useu.be/agri/label.html>

- *Glycyrrhizinic acid and its ammonium salt*

<http://www.useu.be/agri/label.html>

- *Phytosterols & Phytostanols*

<http://www.useu.be/agri/label.html>

- *Quinine and Caffeine*

<http://www.useu.be/agri/label.html>

- *Weight/Volume Indication*

<http://www.useu.be/agri/label.html>

- Infant and follow-on formula, cereal-based baby and infants foods, meal replacers for use in energy-restricted diets, medical foods

<http://www.useu.be/agri/partnutr.html>

- Cocoa and chocolate products, sugars, honey, fruit juices and similar products, preserved milk, coffee extracts and chicory extracts, fruit jam, jellies, marmalades and chestnut puree

<http://www.useu.be/agri/vertic.html>

1.4 Placing of Descriptions and Listings

<http://www.useu.be/agri/label.html>

Descriptions and listings have to be placed in such a way they are clearly visible and easily read.

Warenwetbesluit Etikettering van Levensmiddelen, art. 23

2. Specify Languages

<http://www.useu.be/agri/label.html>

The language to be used is Dutch. In addition, other languages can be used as well.

Warenwetbesluit Etikettering van Levensmiddelen, art. 23

3. Standard US Label

<http://www.useu.be/agri/label.html>

The standard US label fails to comply with EU and Dutch labeling requirements.

4. Stick-on Labels

EU legislation does not contain any reference to the use of stick-on labels. In the Netherlands, Stick-on labels, in addition to the standard US label, can be used. In this case, the stick-on label shall meet all Dutch labeling requirements. They can be applied prior to export or applied in the Netherlands before sale. Health marks on veterinary products, including the EU factory approval number, can only be applied in the place of manufacturing.

Warenwetbesluit Etikettering van Levensmiddelen, art. 24

5. Enforcement of Labeling Regulations

<http://www.useu.be/agri/label.html>

Food products have to be labeled correctly before being sold to the end consumer

Warenwetbesluit Etikettering van Levensmiddelen art. 1.2

6. 1 Sample-size Products

<http://www.useu.be/agri/label.html>

For sample-size products the same labeling requirements apply.

Warenwetbesluit Etikettering van Levensmiddelen, toelichting art. 1

6.2 Institutional Packed Products

For food products that are for the food service industry (except catering) product packaging does not necessarily have to comply fully with standard labeling requirements. Purchased quantity (i.e. pallet, box, etc) must include the following information: a. the name, b. information on the producer, packer or vendor and c. the shelf life.

Warenwetbesluit Etikettering van Levensmiddelen, art. 24

7. Claims

<http://www.useu.be/agri/label.html>

On May 16, 2006, the European Parliament passed new EU rules on nutrition and health claims, see [GAIN Report E36086](#). For the approval of health claims and claims on the nutritional value of the product, U.S. exporters and/or Dutch importers can send the text (health claim on the label or in advertising messages) to:

KOAG/KAG

Postbus 90445,

1006 BK Amsterdam, the Netherlands

Phone: +31- (0)20- 7130720

Fax: +31- (0)20- 7130721

e-mail: keuringsraad@koagkag.nl

website: www.koagkag.nl. (Code voor de Aanprijsing van Gezondheids-producten (CAG))

8.1 Shelf-life

<http://www.useu.be/agri/label.html>

If the shelf life is influenced by the method of storage, a description of appropriate storage must be mentioned on the label. The statements to be used are the following:

- <i>Minimum Durability</i>	
Tenminste houdbaar tot:	Day, Month For a shelf-life up to 3 month after the date of packing
Tenminste houdbaar tot einde:	Month, Year For a shelf-life between 3 and 18 months
Tenminste houdbaar tot einde:	Year For a shelf-life longer than 18 months
- <i>Use by Date</i>	
Te gebruiken tot:	Last day of use

Warenwetbesluit Etikettering van Levensmiddelen, art. 16 and art. 17

8.2. Country-of-Origin Requirements

The place of origin must be mentioned (regional, territorial or topographical) when omitting it misleads the consumer.

Warenwetbesluit Etikettering van Levensmiddelen, art. 20

9. Exception to Labeling

Only the Minister of Agriculture can grant an exception to the labeling regulations (i.e. containers of food to be processed, labeled or repacked). The granting of an exception would be very rare.

B. Requirements Specific To Nutritional Labeling

Nutritional Labeling Requirements

<http://www.useu.be/agri/label.html#Nutrition>

Nutrition labeling rules are laid down in [Council Directive 1990/496/EC](#). Nutrition labeling is not mandatory in the EU unless a nutrition claim is made on the label or in advertising messages.

Warenwetbesluit Voedingswaarde-informatie Levensmiddelen, § 2. voedingswaarde etikettering

Nutrient Content Claims

<http://www.useu.be/agri/partnutr.html>

A "nutritional claim" means any representation or advertising that claims a foodstuff has particular nutritional properties, and is only allowed if it relates to the energy value and/or nutrients referred to above. There are no provisions concerning nutritional claims on an EU level. Dutch provisions are formulated in Warenwetbesluit Voedingswaarde-informatie Levensmiddelen.

a. Energetic Value

- Low energy value (less than 210 kJ/100g or 100ml) except for soups and drinks (Less than 85 KJ/100ml).
- Reduced energy level (at least 33% lower than that of comparable standard products).

b. Fat Content

- Low fat content (less than 5%; must be calculated on a dry matter basis for beverages, soup and milk).
- Reduced fat content (at least 33% lower than that of comparable products).

c. Protein Content

- High protein content (at least 20%; should be calculated on a dry matter basis for beverages, soup and milk).
- Elevated protein content (at least 33% higher than that of comparable products).

d. Polyunsaturated Fatty Acids

- High level of polyunsaturated fatty acids (at least 60% of the fat, saturated fat not more than 25% of the fat, daily consumption corresponding with at least 5 g of fat).
Elevated level of polyunsaturated fatty acids (at least 30% and at most 60% of the fat and at least twice the level of comparable products; the level of saturated fat does not exceed the level of polyunsaturated fat and daily consumption must correspond with at least 5 g of fat).
- Low content of saturated fat (saturated fat not more than 25% of total fat, polyunsaturated fat at least 60% of total fat, daily consumption of the product must correspond with at least 5 g of fat).

e. Sugar Content

- "suikervrij" (sugar free) or "zonder suiker" (without sugar) (no sugar present, comparable products may contain sugars).
- Reduced sugar level (at least 33% less sugars than in comparable products).
- No sugars added/unsweetened (no sugars, syrups or honey added).

f. Dietary Fiber Content

- High dietary fiber content (at least 10% on a dry matter basis for soups, milk products and beverages in the ready-for-use product).
- Elevated dietary fiber content (at least 33% higher than in comparable products).

g. Sodium Content

- Low sodium/salt (less than 40 mg sodium per 100 g or 100 ml).
- Reduced sodium/salt (at least 33% less sodium than in comparable products).
- No salt added (no sodium used during manufacturing).

h. Vitamin

- High level of a specific vitamin or mineral: normal daily consumption of the product in question should supply at least 20% of the (Dutch) RDI.

i. Minerals

- High level of a specific vitamin or mineral: normal daily consumption of the product in question should supply at least 20% of the (Dutch) RDI.

Warenwetbesluit Voedingswaarde-informatie Levensmiddelen, art. 8

A new regulation on the use of nutrition claims has been proposed by the Commission and adoption is expected in September/October 2006. For more information on the proposed EU rules on nutrition claims see GAIN Report E36086.

Health Claims

Medical claims, attributing to a foodstuff the property of preventing, treating or curing human diseases, are explicitly prohibited in the EU general labeling directive.

The EC is preparing new legislation for the use of health claims in the EU. For the approval of health claims and claims on the nutritional value of the product, U.S. exporters and/or Dutch importers can send the text (health claim on the label or in advertising messages) to Koag Kag for approval in the Netherlands. (See Section II, A. number 7.)

C. Product Specific Labeling

See Section VII

Section III. Packaging and Container Regulations**Container Content**

<http://www.useu.be/agri/packaging.html>

Council Directive 76/211/EEC provides rules for container sizes, acceptable tolerances on container content and requirements for the size of the figures indicating container content.

Warenwetbesluit Containers, implementing Council Directive 80/232/EEC, prescribes allowable container sizes for butter, fresh cheeses, salt, sugar, breakfast cereals, pasta, rice, dried fruits and vegetables, coffee, frozen fruits and vegetables, fish fillets, fish fingers, ice-cream, preserved fruits and vegetables and products sold in metal containers.

Warenwetbesluit Containers

Requirements on the use of containers in international transport are written down in the International Agreement on Safe Use of Containers. These requirements are translated into the warenwetbesluit verpakkingen en gebruiksartikelen.

Materials in contact with foodstuffs

<http://www.useu.be/agri/packaging.html>

[European Parliament and Council Regulation 1935/2004](#) specifies the main requirements for materials that come into contact with foodstuffs, including active and intelligent packaging. This regulation entered into force on November 16, 2004 (except for the provisions on traceability which will apply from October 27, 2006) and repeals and replaces Directives 80/590/EEC and 89/109/EEC.

Warenwetbesluit Verpakkingen en Gebruiksartikelen

It also sets out labeling & traceability requirements and the procedure for the authorization of substances through the European Food Safety Authority. Additional requirements will be proposed in specific measures and will include positive lists of authorized substances and/or materials. Annex I to regulation 1935/2004 lists the group of materials for which specific measures may be adopted. To date, [specific directives](#) have been developed for plastics, regenerated cellulose film, ceramics. In the case of ceramics, migration limits have been established for two of their constituents, namely lead and cadmium. Materials must bear an indication "for food contact" or the symbol reproduced in Annex II to Regulation 1935/2004. Exporters are advised to verify if a Member State follows EU provisions as Member States are allowed to authorize provisionally the use of certain substances not listed in one of the specific directives. They may also restrict or temporarily prohibit the use of certain materials authorized by the specific directives for reasons of public health.

Requirements for paper, cardboard, rubber, wood, cork, metal and inks are not yet harmonized and are laid down in the Dutch Regeling Verpakkingen- en Gebruiksartikelen.

Packaging Waste Management

<http://www.useu.be/agri/packaging.html>

Member States are required to take measures to limit packaging waste and must introduce systems for reuse, recovery and recycling of packaging materials (Council Directive 94/62/EC). Commission Decision 2001/524/EC relates to the publication of references for certain EN standards in the Official Journal which do not fully meet the essential requirements of Directive 94/62/EC. To facilitate collection, reuse and recovery including recycling, an identification system for packaging has been drawn up (Commission Decision 97/129/EC). Its use is voluntary.

Section IV. Food Additive Regulations

Additives

<http://www.useu.be/agri/additive.html>

European Council Directive 89/107/EEC provides for the establishment of EU harmonized positive lists of authorized food additives. This Directive is implemented in the Warenwetbesluit Levensmiddelenadditieven. All additives not included on these positive lists are prohibited except for new food additives that receive a temporary authorization by Member States. Throughout the years there have been only a few food additives temporarily authorized by The Netherlands. The VWA can be contacted on temporary authorizations.

These lists of authorized food additives and approved conditions for their use, are published in three directives:

Sweeteners

<http://www.useu.be/agri/additive.html>

[European Parliament and Council Directive 1994/35/EC](#) governs the use of sweeteners in foodstuffs. This Directive is implemented in the Warenwetbesluit Zoetstoffen.

Colors

<http://www.useu.be/agri/additive.html>

Council Directive 1994/36/EC governs the use of colors in foodstuffs. This Directive is implemented in the Warenwetregeling Gebruik van kleurstoffen in levensmiddelen.

Miscellaneous Additives

[European Parliament and Council Directive 1995/2/EC](#), last amended by [Directive 2003/114/EC](#), governs the use of so-called miscellaneous additives other than colors and sweeteners in foodstuffs. This Directive is implemented in the Warenwetregeling Gebruik van Additieven met Uitzondering van Kleurstoffen en Zoetstoffen in Levensmiddelen.

Feed Additive Regulations

<http://www.useu.be/agri/feed.html>

European Parliament and Council Regulation 2003/1831/EC, imposed on October 18, 2004, regulates the use of additives in animal nutrition. It sets out rules for the authorization, marketing and labeling of feed additives. This regulation also completes the ban on antibiotic growth promoters in feed by prohibiting the use of four antibiotic substances as of January 1, 2006.

Labeling requirements for additives

<http://www.useu.be/agri/additive.html#Labeling>

See Annex II and Annex III of the [general labeling directive](#). [Regulation 1829/2003](#) repeals Commission Regulation 50/2000 which provided specific labeling requirements for food and food ingredients containing additives and/or flavorings that have been genetically modified or have been produced from [GMO's](#).

The addition of a new food additive to the EU positive list is a lengthy process. However, any Member State can allow the domestic use of a new food additive on their territory for a two-year period. The ministers of the following 3 ministries (Health, Welfare and Sports, Agriculture, Nature and Food Quality and Economic Affairs) can approve this. To request two-year authorization for marketing of a new additive, contact:

The Dutch Food and Consumer Product Safety Authority (VWA)

P.O. Box 19506

2500 CM The Hague, The Netherlands

Phone: +31- (0)70-4484848

Fax: +31- (0)70-4484747

www.vwa.nl

info@vwa.nl

Processing Aids

A list of extraction solvents allowed in the production of foodstuffs and food ingredients, along with their conditions of use has been established in Council Directive 88/344/EC.

Flavorings

In an initial step to harmonize the use of flavorings in the EU, the European Commission compiled a register of all flavoring substances authorized in the different EU member states. Substances which are subject to restrictive or prohibitive measures in certain member states have been marked. This register has been updated by Commission Decision [2005/389/EC](#) and [2006/252/EC](#).

Section V. Pesticides and other Contaminants**A. Pesticides**

<http://www.useu.be/agri/pesticides.html>

Current EU and Member State legislation on pesticide Maximum Residue Levels (MRLs) will be replaced by [2005/396/EC](#). The content of this legislation is completed but the appendixes with the MRLs are not expected to be ready before the summer of 2006. The new legislation, along with other developments in pesticide legislation in the EU, could have trade implications if the future EU harmonized MRL list does not include MRLs evaluated and authorized in the U.S. and therefore possibly found on exported U.S. agricultural commodities.

Current maximum residue legislation

MRLs apply to domestic produced products and imported products. The harmonization of MRLs was initiated in 1976 due to trade problems between the European Union member states. The following directives give the Maximum Residue Levels (MRL) for the various products;

[Council Directive 1986/362/EC](#), as amended, establishes MRLs for pesticides in cereals and cereal products.

[Council Directive 1986/363/EC](#), as amended, establishes MRLs for pesticides in products of animal origin.

[Council Directive 1990/642/EC](#), as amended, establishes MRLs for pesticides in products of plant origin, including fruits and vegetables.

The complete list of EU MRLs in force is also available from the European Commission's website: [EU MRLs sorted by pesticide](#) updated 04/11/2004.

Unharmonized products are covered by Member State legislation. Links to Member State specific information is provided on

http://europa.eu.int/comm/food/plant/protection/evaluation/contact_points.xls

If there is no EU legislation in place but there is a national MRL for a specific pesticide/commodity combination in the importing Member State and the product being imported into that country conforms with it, then the product can be marketed in that country. For the Netherlands, the MRLs for the various products is updated quarterly and can be found on <http://www2.rikilt.dlo.nl/vws/index.html>.

The framework for the Dutch pesticide legislation was established by the *Bestrijdingsmiddelenwet 1962*. This law details all requirements on the use of pesticides on foodstuffs. Detailed information on the composition, packing and labeling of pesticides can be found in the Regeling samenstelling, indeling, verpakking en etikettering bestrijdingsmiddelen and in the Bestrijdingsmiddelenregeling.

The large majority of the MRLs that are set in the 'Decree on Residue of Pesticides' are direct implementations of the EU MRLs. For the few national MRLs, The Board for the Authorization of Pesticides (CTB) evaluates data and proposes MRLs. Ministry of Health is responsible (after consulting the Ministry of Agriculture) for establishing MRLs and implementing in the legislation.

For more information:

Ministry of Health, Welfare and Sport
2500 EJ The Hague, The Netherlands
www.minvws.nl

For more information on the new EU maximum residue legislation please check (<http://www.useu.be/agri/pesticides.html>)

B. Contaminants

<http://www.useu.be/agri/pesticides.html#Contaminants>

Directive 1993/315/EC sets out the standards for substances unintentionally present in food products. Regulation 2001/466/EC sets the maximum levels of contaminants, including mycotoxins, in a wide range of products, such as nuts, fruits, grains, herbs and milk.

Commission Regulation 466/2001, has been amended by 199/2006, regarding the maximum levels of dioxins in meat, fish, milk, eggs, and oils and fats. The sampling and analysis methods for official controls of mycotoxins have been consolidated in the Commission Regulation 401/2006.

Section VI. Other Regulations and Requirements

Certification and documentation requirements for shipments into EU member states differ depending on the product. For most product groups, requirements are harmonized but for others requirements are not harmonized.

Non-harmonized documentation and certification requirements are described in the Export Certification Report, [GAIN Report BE5009](#). An overview of EU wide legally required certificates and voluntary certificates is provided in the EU Certification Guide ([GAIN Report E36071](#)).

On January 1, 2005, articles 11, 12, 14 - 20 of the General Food Law (nr. 178/2002), regulating among others traceability, have been made compulsory for all companies at all stages of production, processing or distributing food, feed, food-producing animals, and any other substance intended to be, or expected to be, incorporated into a food or feed.

For a company in the food chain it is obligatory to have not only information on who the supplier is and what the products are, but also who the customer is and what the products are (one step up and one step down in the chain). An importer not only needs to know this information from his direct supplier but also from all their suppliers.

For more detailed information contact:

The Dutch Food and Consumer Product Safety Authority (VWA)

P.O. Box 19506

2500 CM The Hague, The Netherlands

Phone: +31-(0)70-4484848

Fax: +31-(0)70-4484747

www.vwa.nl

info@vwa.nl

The Warenwet obliges companies to follow HACCP (Hazard Analysis and Critical Control Points). The HACCP system alone is not regarded as sufficient to fulfill the traceability requirements of article 18.

Since April 18, 2004, specific traceability and labeling requirements for genetically modified food apply according 2003/1829/EC and 2003/1830/EC (see <http://www.useu.be/agri/GMOs.html>).

1. Certification of Plant Products

<http://www.useu.be/agri/plantcertif.html>

Phytosanitary certificates are required under the EU's [Plant Health Directive 2000/29/EC](#).

Imports of fresh fruits and vegetables and unprocessed nuts must be accompanied by a U.S. Department of Agriculture phytosanitary certificate or PPQ577, issued by an official Animal and Plant Health Inspection Service (APHIS) inspector. The certificate is used to certify that the commodities have been inspected and that they comply with the importing country's phytosanitary regulations.

For more information see www.aphis.usda.gov/ppq/pim/exports/certificates&forms.htm

Animal And Plant Health Inspection Service (Aphis)

PPQ

Export Certification Unit Port Operations Staff

4700 River Road Unit 140

Riverdale MD 20737-1236

Phone: +1-(301)-7348453

Fax: +1-(301)-7345786

Plantenziektekundige Dienst (PD)

Ministry Agriculture, Nature and Food Quality

Geertjesweg 15

Postbus 9102

6700 HC Wageningen

Phone: +31-(0)317-496911

Fax: +31-(0)317-421701

www.minlnv.nl/pd**2. Certification of Animal Products**<http://www.useu.be/agri/certification.html>

Animal products imported into the EU or transiting through the EU need to be accompanied by a veterinary certificate. EU harmonized health certificates are mandatory for meat, poultry, dairy, eggs, gelatin and seafood.

The European Community is well advanced in the process of harmonizing legislation on imports of animal products. This is a three-stage process that starts with the recognition of a country to export a certain animal product. The U.S. is recognized by the EU for all animal products. However, as a result of the EU's hormone ban and the rejection of chlorine as an anti-microbial treatment, U.S. exports of hormone beef and poultry to the EU have been blocked. For more information see <http://useu.usmission.gov/agri/ban.html> and <http://useu.usmission.gov/agri/pltryexp.html>.

In a second stage, lists of EU approved establishments are drawn up in recognized countries. Various U.S. agencies, including FSIS, APHIS, AMS, and FDA are involved in the listing process. Contact information for the agencies issuing export certificates is available from the USEU website or from the certificates report. Establishments are subject to occasional EU audits after listing. Exporters should be aware that getting a plant listed can take several months. Lists can be accessed through <http://useu.usmission.gov/agri/estab.html>. At present, the following food products must come from an EU-approved establishment: red meat, meat products, farmed & wild game meat, ratites, animal casings, milk & milk products, fish & fishery products and gelatin.

An importer must give at least 24 hours notice of intent to import animal products to the competent Member State authority and to the Border Inspection Post (BIPs) at the port or airport of entry. The list of EU Border Inspection Posts can be found on our website at <http://useu.usmission.gov/agri/borderposts.html>.

3. Certification of Processed Foods with Animal Products<http://www.useu.be/agri/foodcertif.html>.

Plain animal products imported into the EU need [animal or public health certification](#). For processed foods containing animal products, the situation is more complicated because there is no legislation specifying the percentage of dairy, egg, red meat or poultry meat that a foodstuff must contain to necessitate certification. A summary of the Commission's position on foodstuffs containing animal products can be found on <http://www.useu.be/agri/foodcertif.html>

4. Certification of Seafood Products

Exporting countries must have a competent authority that is responsible for official controls throughout the production chain. Imports of seafood into the EU are subject to official certification based on the EU's recognition of the third country's competent authority. In the U.S., both the [Food and Drug Administration](#) and the [National Oceanic & Atmospheric Administration \(National Marine Fisheries Service\)](#) have the authority to issue health

certificates. The [National Oceanic & Atmospheric Administration \(National Marine Fisheries Service\)](#) and the [Animal & Plant Health Inspection Service](#) have the authority to issue animal health certificates. More Information on the certificates can be found on <http://useu.usmission.gov/agri/seafood2.html#Certification> and GAIN Report E36013.

5. Processed Fruit and Vegetable Products

For processed fruit and vegetable products, APHIS issues export certificates. Imports of fruits and vegetables also need to meet the marketing standards for fruit and vegetables as listed in [Council Regulation 2200/96](#). [Council Regulation 1148/2001](#) describes trading standards and controls.

6. Other Processed Products

<http://www.useu.be/agri/foodcertif.html>

Documentation requirements and import regulations for other processed food products will depend on ingredients. In general, Council Directive 93/43/EEC laying down the rules of hygiene for foodstuffs further supplements Council Directive 89/397/EEC. See <http://www.useu.be/agri/hygiene.html>.

Some food products, including cocoa and chocolate, coffee and chicoree extracts, sugars, honey, fruit juices and similar products, fruit jam, jellies and marmalades, are subject to "vertical legislation". For these food categories, more information is available at the FAS/USEU webpage <http://www.useu.be/agri/vertic.html>.

For further info on Dutch import certification requirements, please contact:

The Dutch Food and Consumer Product Safety Authority (VWA)

P.O. Box 19506

2500 CM The Hague, The Netherlands

Phone: +31-(0)70-4484848

Fax: +31-(0)70-4484747

www.vwa.nl

info@vwa.nl

7. EUREPGAP

<http://www.useu.be/agri/plantcertif.html>

Several Dutch retailer organizations, like Laurus and Albert Heijn, request EUREPGAP certification from their suppliers of fresh fruits and vegetables. Currently there are discussions to introduce EUREPGAP certifications for suppliers of meat, seafood, eggs and dairy products as well. For more information see [GAIN report E23187](#) and www.eurep.org.

8. Feed Materials – Good Manufacturing Practice

In the Netherlands, foreign suppliers of feed ingredients must adhere to the Good Manufacturing Practice. It should be noted that the GMP is not imposed by the Dutch Government and therefore not legally required. In the Netherlands, the GMP was imposed by the Dutch Product Board Animal Feed (PDV). Currently, most of the U.S. suppliers of feed materials are GMP certified. For more information about the GMP program see http://www.pdv.nl/index_eng.php.

Section VII. Other Specific Standards

A. Genetically Modified Foods

<http://www.useu.be/agri/GMOs.html>

On April 18, 2004, the EU implemented the regulations on “Genetically Modified Food and Feed” ([European Parliament and Council Regulation 1829/2003](#)) and “Traceability and Labeling of Genetically Modified Organisms and the Traceability of Food and Feed Products produced from Genetically Modified Organisms” ([European Parliament and Council Regulation 1830/2003](#)). The new regulations set up an EU system to trace GMOs, introduce the labeling of GM feed, reinforce the existing labeling rules for GM food and establish an authorization procedure for GMOs in food and feed and their deliberate release into the environment. Please visit <http://www.useu.be/agri/GMOs.html> for more information on Biotechnology, or download the Netherlands Biotechnology Report, GAIN Report NL6026.

B. Novel Foods

<http://www.useu.be/agri/novelfood.html>

The [Novel Food Regulation \(European Parliament and Council Regulation 258/97\)](#) lays down detailed rules for the authorization of novel foods and novel food ingredients. It defines novel foods as foods and food ingredients that were not used to a significant degree in the EU before May 15, 1997, which fall into the following specific categories:

- ♦ with a new, intentionally modified, primary molecular structure, or
- ♦ consisting of or isolated from plants or animals, except for foods and food ingredients obtained by traditional propagating or breeding practices with a history of safe use, or
- ♦ To which a production process not currently used has been applied, where that process changes the composition or structure of the food or food ingredient significantly

Warenwetbesluit Nieuwe Voedingsmiddelen

C. Dietetic or Special Use Foods

<http://www.useu.be/agri/partnutr.html>

Warenwetbesluit Producten voor Bijzondere Voeding converted Commission Directive 2001/15/EC into Dutch law. This directive, which supplements the framework Council Directive 89/389/CEE, lists the chemical substances in each category of nutritional substances (vitamins, minerals and amino acids) that may be added for specific nutritional purposes in foodstuffs for particular nutritional uses.

D. Wine, Beer and Other Alcoholic Beverages

<http://www.useu.be/agri/wine.html>

On March 10, 2006, the U.S. and the EU and the U.S. signed the “Agreement between the United States and the European Community on Trade in Wine”. This Agreement is the first phase and addresses a number of issues, such as labeling and certification. Other important issues such as geographical indications will be addressed in a second phase of the negotiations (expected to start mid 2006).

GAIN Report E36067 gives an overview of the mandatory information required on wine labels and lists the conditions for supplementing the mandatory information with optional information. Information on the US-EU Wine Agreement can also be obtained from the U.S. Dept. of the Treasury - Alcohol and Tobacco Tax and Trade Bureau (http://www.ttb.gov/international_trade/us_ec_wine_agreement.htm).

E. Organic Foods

<http://www.useu.be/agri/organic.html>

[Council Regulation 2092/1991](#) (consolidated text - last updated 12/23/2003) on organic products covers the following requirements and definitions:

- production and processing methods
- labeling and marketing
- inspection
- imports from third countries

It was supplemented by [Regulation 1999/1804](#) to include livestock production. The term "organic" may only be used for product conforming to these regulations. The translation of the term "organic" in the 17 official EU languages can be found under article 2 of Regulation 2092/91.

While organic standards have been set at the E.U. level, implementation and enforcement of the regulation is the responsibility of the individual member states. This member state responsibility also extends to imports of organic products.

For the importation of organic products from outside the EU, the Dutch importer needs an import authorization. The import certificate is issued by Skal while the import authorization is issued by Dienst Regelingen*, the executive body of the Ministry of agriculture. More information on the organic market can be found at [GAIN Report NL6024](#).

*Dienst Regelingen
P.O. Box 965
6040 AZ Roermond, The Netherlands
Phone: +31 (0)475 355 444
Fax: +31 (0)475 318 939

Stichting Skal
P.O. Box 384
8000 AJ Zwolle, Netherlands
Ph: +31 (0)38 426 8181
Fax: +31 (0)38 421 3063
info@skal.nl
www.skal.nl

F. Vertical Legislation

<http://www.useu.be/agri/vertic.html>

Products covered by vertical legislation are:

- Cocoa and chocolate products [Directive 2000/36/EC](#)
- Sugars [Directive 2001/111/EC](#)
- Honey [Directive 2001/110/EC](#)
- Fruit juices and similar products [Directive 2001/112/EC](#)
- Preserved milk [Basic Directive: 1976/118/EC](#)
- Coffee extracts and chicory extracts [Directive 1999/4/EC](#), [Directive 2001/54/EC](#)
- Fruit jam, jellies, marmalades, and chestnut puree [Directive 2001/113/EC](#) (amended by [Directive 2004/84/EC](#))

G. Fruit and Vegetables

<http://www.useu.be/agri/Fruit-Veg.html>

Imports into the EU of fresh fruit and vegetables are checked for compliance with EU-harmonized marketing standards. These standards apply at all marketing stages and include criteria such as quality, size, labeling, packaging and presentation.

H. Seafood

<http://www.useu.be/agri/seafood2.html>

The main elements of the EU's [Common Market Organization for Fishery and Aquaculture Products](#) are:

- marketing standards (quality, packaging and labeling)
- producers' and interbranch organizations
- price support system
- imports from third countries

J. Petfood

<http://www.useu.be/agri/petfood.html>

All pet food imported from the U.S. into the European Union has to meet requirements relating mainly to health and labeling aspects. These requirements are generally harmonized throughout the 25 EU member states but they are scattered over different pieces of EU legislation.

Section VIII. Copyright and/or Trademark Laws**Copyright**

<http://www.useu.be/agri/commu.html>

The Netherlands and the U.S. are both members of the Universal Copyright Convention of Geneva. As a consequence, works by U.S. authors, copyrighted in the U.S., are also protected in the Netherlands.

Trademarks

<http://www.useu.be/agri/commu.html>

Trademark registration in The Netherlands is based on Benelux legislation. Registration can be obtained for all 3 Benelux countries (Belgium, Netherlands and Luxembourg) through one process. Applications for trademark registration in the Benelux can be sent to:

Benelux Merkenbureau (Benelux Trademark Office)
Bordewijklaan 15
2591 XR The Hague, The Netherlands
Phone: +31-(0)70-3491111.

In the Benelux countries, an international trademark can also be registered, as regulated by the Treaty of Madrid.

Since 1996, it has been possible to register Community trademarks in the European Union. The Community trademark was created by Council Regulation 1994/40 and implemented by Commission Regulation 1995/2868. This regulation creates a single, unified registration system covering the whole Community territory. An application for a Community trademark is filed either directly at the Harmonization Office or at a national industrial property office in a member state of the European Union.

Office for Harmonization in the Internal Market
Avenida de Aguilera, 20
03080 Alicante
Spain
Tel. +34-(0)96-5139333

Protected Geographical Indications

Geographical indications (GIs) are "indications which identify a good where a given quality, reputation or characteristic of the good is essentially attributable to its geographic origin". Guidelines for the registration of GIs by third country producers have been published on the Commission's website at

http://ec.europa.eu/agriculture/foodqual/protec/thirdcountries/proced_en.pdf.

The complete list of registered product names that receive protection in the EU can be found at http://ec.europa.eu/agriculture/qual/en/1bbaa_en.htm.

Section IX. Import Procedures

<http://www.useu.be/agri/import.html>
<http://www.useu.be/agri/customs.html>
<http://www.useu.be/agri/tarreduc.html>
<http://www.useu.be/agri/taric.html>

[Council Regulation 2913/92](#) establishes the Community Customs Code. The Code lists all the customs procedures applicable to the trade in goods with third countries. Import duties are determined by the tariff classification of goods and by the customs value. With the implementation of the Code, the 25 member states of the European Union form a customs union, meaning that all member states apply the same tariff on goods imported from outside the EU. Once an imported good is cleared in one member state, it can move freely throughout the EU.

A list of VAT rates applicable in the different member states can be found on the Internet at: [EUROPA - Taxation and Customs Union / Taxation and Customs Union](#)

Customs Clearance

Dutch importers customarily handle all import procedures. Goods can only be cleared if the required shipping documents are available and relevant costs (custom duty, taxes) are paid. Clearance is carried out by the Dutch customs. Some US products may require import licenses or health certificates, as outlined in Section VI. More info on the Dutch customs offices can be obtained at <http://www.belastingdienst.nl/9229237/v/e-index.htm>

Customs provides information of imports from which the National Inspection Service for Livestock and Meat (RVV) and Dutch Food and Consumer Product Safety Authority (KvW) select the lots for further inspection. The RVV is responsible for the inspection of meat and meat products. The KvW is responsible for the inspection of all non-veterinary products. Regulation 2004/882/EC sets out the standards for control of compliance with the General Food Law.

The entire customs clearance procedure is rapid, provided the U.S. exporter has furnished all necessary documentation. Also, it is recommended that the exporter be fully aware of the necessary shipping documents required for their product. A full listing of these requirements is not readily available.

Exporters should contact their importer, or contact the USDA Office of Agricultural Affairs in The Hague:

Office of Agricultural Affairs

U.S. Embassy
Lange Voorhout 102
2514 EJ The Hague
Tel: +31-(0)70-3109299
Fax: +31-(0)70-3657681
Email: agthehague@usda.gov